

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

NEIL ROBERT BROOKS,

Plaintiff,

vs.

NANCY A. BERRYHILL, Acting
Commissioner of Social Security
Administration;

Defendant.

8:19-CV-190

ORDER

Federal Rule of Civil Procedure 4(m) provides that “[i]f a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m).

Plaintiff filed the Complaint on April 30, 2019. [Filing 1](#). More than 90 days have elapsed since the Complaint was filed. To date, Plaintiff has not requested summons or filed a waiver indicating that Defendant has been served, nor has Defendant entered a voluntary appearance.

IT IS THEREFORE ORDERED that Plaintiff shall have until October 15, 2019, to show cause why this case should not be dismissed pursuant to Federal Rule of Civil Procedure 4(m) or for want of prosecution. The failure to timely comply with this order may result in dismissal of this action without further notice.

Dated this 24th day of September, 2019.

BY THE COURT:



Brian C. Buescher
United States District Judge